

REMARKS

Claims 1-28 are pending in the present application. In the above amendments, claims 4, 8, 14 and 20 have been amended, claims 1-3, 17-19 and 21-28 have been cancelled without prejudice, and new claims 29 and 30 have been added. Therefore, after entry of the above amendments, claims 4-16, 20, and 29-30 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Claim rejections under 35 USC §102

Examiner has rejected claims 1-3, 8-19, 21-23 and 25-27 under 35 U.S.C. 102(e) as being anticipated by Jansen et al. US 6,243,450 (hereafter “Jansen”).

Applicants remind examiner that claims 1-3, 17-19, and 21-28 were cancelled without prejudice. Regarding Independent Claims 8 and 14, Applicants’ inventions, as amended, recite the charging of a debit to the first location each instance the copy is used, independent of the amount of time used. Applicants’ claimed invention debits on the per use basis. Claims 8 nor 14 recite the tracking of time associated with usage. In addition, Applicants’ invention recite loading a copy of designated information loaded onto the first location. As well as other advantages, these aspects allow the Applicants’ invention the ability to charge on the loading of the designated information as well as each time the designated information is used at the first location.

Examiner claims that Jansen teaches the Applicants’ invention. Jansen describes the ability to charge for the amount of time the user pays for a service. (Column 10, lines 23-27). Jansen does not teach the Applicants’ invention for at least the two reasons. First, Jansen does not disclose transferring a “copy of designated information,” such as an executable application,

to a first location as recited in the Applicants' claims. Jansen discloses charging for a service to access the internet and/or a paid vendor's multimedia. This is not analogous to transferring a copy of designated information.

Secondly, Jansen does not teach debiting each instance the copy is used independent of the amount of usage. Indicative of charging for a service described above, Jansen teaches tracking the amount of time the service is used, not debiting each instance the copy is used, independent of the amount of time of usage. For these reasons, Jansen does not teach the Applicants' claimed invention and, therefore, Applicants submit that claims 8 and 14 are in condition for allowance.

Similarly, for at least the reasons stated above, Applicants submit that independent claims 8-13 and 15-16 are also in condition for allowance.

Claim rejections under 35 USC §103

Examiner has rejected claims 4-7, 20, 24 and 28 under 35 U.S.C. 103(a) as being unpatentable over Jansen further in view of Rieken US 6,009,145 (hereinafter "Rieken").

Applicants remind Examiner that claims 24 and 28 are cancelled without prejudice. Regarding independent claims 4 and 20, as amended, these claims recite the limitation of comparing the recorded debits from the first location with the recorded debits from the second location. Examiner concedes that Jansen does not teach comparing the recorded debits from the first location with the debits from a second location. Examiner states, however, that it would be obvious for one skilled in the art at the time of the invention to modify Jansen with Rieken, such that checking/comparing is performed to ensure errors do not exist. Applicants respectfully disagree.

As stated above, Jansen discloses a different system than the Applicants' recited invention. Additionally, Jansen discloses billing for service access not for the transfer of designated information. Consequently, there is no motivation to combine the Jansen system with any art to achieve the Applicants' invention.

Furthermore, Examiner states that Rieken provides a "negotiation of transaction" and equates this with a comparison element in the Applicants' claims. With all due respect to the Examiner, however, nothing in the negotiation of transaction figure cited by Examiner, (Reiken, Figure 2) nor in the corresponding description of the figure in the specification (Col. 3, line 66 – Col. 4, line 47) indicates the recording of debits at two separate locations and then comparing the debits received from the two locations. Because the element of comparing the debits recorded at two separate locations are not even contained in Rieken, Rieken obviously does not teach this element. In addition, because Rieken does not teach this element, it is impossible for there to be a motivation to combine the art recited by the Examiner in order to achieve the Applicants' invention. Therefore, Applicants submit that independent claims 8 and 20 are in condition for allowance.

Furthermore, for at least the above reasons, dependent claims 6-7 are also in condition for allowance.

New Claims 29 – 30

Applicants have submitted additional claims 29 - 30 that are similar in scope to claim 8. For the reasons argue with respect to claim 8, Applicants submit claims 29-30 are in condition for allowance.

CONCLUSION

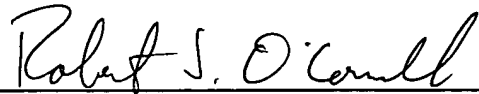
In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By:



Robert J. O'Connell, Reg. No. 44, 265
(858) 651-4361

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502